

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

DERRICK SCOTT, )  
Petitioner, )  
vs. ) Case No. 1:04CV150 RWS  
UNITED STATES OF AMERICA, )  
Respondent. )

## **MEMORANDUM AND ORDER**

This matter is before me on petitioner's third motion to reconsider. On February 27, 2006, I denied his § 2255 motion and certificate of appealability. The Eighth Circuit Court of Appeals denied petitioner's motion for certificate of appealability and dismissed his appeal on December 7, 2006, and the mandate issued on February 6, 2007. The United States Supreme Court denied petitioner's petition for a writ of certiorari on March 26, 2007. Petitioner then filed a motion for reconsideration on February 5, 2009, which I denied on February 6, 2009. The Eighth Circuit Court of Appeals summarily affirmed the denial of the motion for reconsideration on April 8, 2009. Petitioner then filed a second motion for reconsideration on April 28, 2009, which I denied on May 20, 2009. Because petitioner's latest motion is untimely and presents no legal or factual arguments demonstrating that he is entitled to relief, the motion will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for reconsideration [#42] is denied.



RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE

Dated this 4th day of April, 2011.